

SPECIAL CIVIL APPLICATION NO.10468 OF 1995

Coram : R.K.Abichandani,J.

14.12.1995

ORAL ORDER:

The petitioner challenges the order of the Extra Assistant Judge, Baroda dated 15.11.1995 dismissing his Revision Application against the order of the Trial Judge made in Misc. Application No. 449 of 1985 on 15th July, 1995 fixing the interim rent at the rate of Rs. 276/- per month and directing to deposit Rs. 37,712/- to be made on or before 31st August, 1995 at the said rate and to make payment at the rate of Rs. 276/- per month on or before 10th of every month, till the disposal of the application. On the basis of the material on record it has been found by both the Courts below that the interim rent of the premises in question should be Rs. 276/- per month. The improvements made in the property were taken into account and the revisional authority found that the interim rent fixed cannot be termed as excessive or exorbitant in any manner. The revisional authority has acted in lawful exercise of its jurisdiction and has passed the impugned order for valid reasons warranting no interference by this Court. It was contended on behalf of the petitioner that after the order was made on 15.7.1995 by the trial Court fixing the interim rent, the petitioner had handed over possession of the residential portion on 19.7.1995. If at all such a situation had arisen, it has arisen after the order was made by the trial Court and the trial Court could not have anticipated that situation. The petitioner can always by a separate application bring that fact to the notice of the trial Court. This petition is rejected.

(R.K.Abichandani,J.)